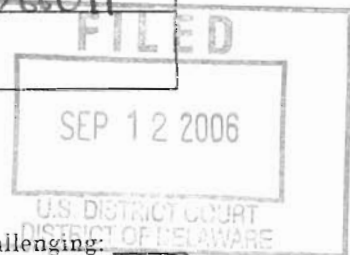


PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY

06-563

United States District Court		District <u>of Delaware, New Castle County</u>
Name (under which you were convicted): <u>Jason C. Mills</u>		Docket or Case No.: <u>0403010565</u>
Place of Confinement: <u>DCC Delaware Correctional Center</u>		Prisoner No.: <u>367691</u>
Petitioner (include the name under which you were convicted) <u>Jason C. Mills</u>		Respondent (authorized person having custody of petitioner) <u>Warden Tom Carroll</u>
The Attorney General of the State of <u>Delaware</u>		<u>Carl Danberg</u>

PETITION
Scanned- 09/12/06



1. (a) Name and location of court that entered the judgment of conviction you are challenging: Superior Court of the State of Delaware in and for New Castle County NO IFP
(b) Criminal docket or case number (if you know): 0403010565
2. (a) Date of the judgment of conviction (if you know): June, 29, 2005
(b) Date of sentencing: September, 9, 2005
3. Length of sentence: 11 years, 1 year level 5, 6 months level 4, Follow By Probation
4. In this case, were you convicted on more than one count or of more than one crime? Yes ☒ No ☐
5. Identify all crimes of which you were convicted and sentenced in this case: Criminal Impersonation, and possession of a firearm and ammunition by a person prohibited.
6. (a) What was your plea? (Check one)

(1) Not guilty <input checked="" type="checkbox"/>	(3) Nolo contendere (no contest) <input type="checkbox"/>
(2) Guilty <input type="checkbox"/>	(4) Insanity plea <input type="checkbox"/>

(b) If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to? I did not plea guilty to any of the charges against me.

(c) If you went to trial, what kind of trial did you have? (Check one)

Jury ☒ Judge only ☐

7. Did you testify at a pretrial hearing, trial, or a post-trial hearing?

Yes ☐ No ☒

8. Did you appeal from the judgment of conviction?

Yes ☒ No ☐

9. If you did appeal, answer the following:

(a) Name of court: THE Supreme Court of the State of Delaware.

(b) Docket or case number (if you know): 0403010 565.

(c) Result: Appeal was Denied.

(d) Date of result (if you know): The 17th day of April 2006.

(e) Citation to the case (if you know): I Do not Know.

(f) Grounds raised: Seizure of Defendant was unlawful under the Fourth amendment and the Delaware Constitution.
2. The Charges against the Defendant should have been dismissed because his prolonged pre-trial incarceration violated his Right to Speedy Trial.

(g) Did you seek further review by a higher state court? Yes ☐ No ☒

If yes, answer the following:

(1) Name of court: NONE

(2) Docket or case number (if you know): NONE

(3) Result: NONE

(4) Date of result (if you know): NONE

(5) Citation to the case (if you know): NONE

(6) Grounds raised: NONE

(h) Did you file a petition for certiorari in the United States Supreme Court? Yes ☐ No ☒

If yes, answer the following:

(1) Docket or case number (if you know): NONE

(2) Result: NONE

(3) Date of result (if you know): NONE

(4) Citation to the case (if you know): NONE

10. Other than the direct appeals listed above, have you previously filed any other petitions, applications, or motions concerning this judgment of conviction in any state court?

Yes ☒ No ☐

11. If your answer to Question 10 was "Yes," give the following information:

(a) (1) Name of court: New Castle County Superior Court

(2) Docket or case number (if you know): 0403010565

(3) Date of filing (if you know): MAY 13, 2006

(4) Nature of the proceeding: Criminal Impersonation, Possession of Firearm and Ammunition

(5) Grounds raised: Ineffective assistance of Counsel.

① Due to the fact that Counsel hadn't performed Constitutional duty in representing me at the trial. ② Failed to have obtain evidence suppressed due to illegal seizure of Police officers. ③ Due Process right violated because of the suggestive manner in which I was arrested. Police officer never issue a speeding ticket to the driver of the car I was a passenger in. He stop us for speeding. Ineffective Counsel. Reason grounds were not raised when lawyer stated she was not getting paid right and filed motion to withdraw herself from case.

(6) Did you receive a hearing where evidence was given on your petition, application, or motion? Yes ☐ No ☒

(7) Result: NONE

(8) Date of result (if you know): NONE

(b) If you filed any second petition, application, or motion, give the same information:

(1) Name of court: NONE

(2) Docket or case number (if you know): NONE

(3) Date of filing (if you know): NONE

(4) Nature of the proceeding: NONE

(5) Grounds raised: NONE

(6) Did you receive a hearing where evidence was given on your petition, application, or motion? Yes ☐ No ☒

(7) Result: None

(8) Date of result (if you know): None

(c) If you filed any third petition, application, or motion, give the same information:

(1) Name of court: I Did not file any third motion petition or application.

(2) Docket or case number (if you know): None

(3) Date of filing (if you know): None

(4) Nature of the proceeding: None

(5) Grounds raised: None

(6) Did you receive a hearing where evidence was given on your petition, application, or motion? Yes ☐ No ☒

(7) Result: None

(8) Date of result (if you know):

(d) Did you appeal to the highest state court having jurisdiction over the action taken on your petition, application, or motion?

(1) First petition: Yes ☐ No ☒

(2) Second petition: Yes ☐ No ☒

(3) Third petition: Yes ☐ No ☒

(e) If you did not appeal to the highest state court having jurisdiction, explain why you did not:

I don't have a lawyer I cannot afford one and I don't know how to file a appeal on my own I have know one to help me file a petition. I just don't know how to go about filing one. after my direct appeal was denied the lawyer that file my direct appeal told me I could continue to fight my case by filing a postconviction and and if my postconviction get Denied. then I could file a Federal habeas Corpus. and that is all the knowledge I got or know on what to do.

12. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

GROUND ONE: Prosecutorial Misconduct...

Prosecutors allowed States witness to speak out on Defendant

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

Criminal history; After being told not to by trial judge; Raises issue that prejudice jury. Defendants lawyer ask for mistrial on bad Acts Conduct. See Pg. 85, 3-23, Pg. 86-1-20 Pg. 9, 13-21, Pg. 87, 1-3. (2) States witness repeatedly lied on the stand under oath which established in perjury which impeachment of States witness testimony is at hand. See Pg. 3, 8-23, Pg. 4, 1-4, Pg. 39, 17-20, Pg. 40, 4-7, Pg. 41, 18-23.

(b) If you did not exhaust your state remedies on Ground One, explain why: Because I just not long ago receive my Transcript I did not have this information without my transcript available to me my lawyer did not give me my transcript until after my appeal was denied

(c) Direct Appeal of Ground One:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☒

(2) If you did not raise this issue in your direct appeal, explain why: Because my lawyer's chief my direct appeal and he did not give me my transcript until my direct appeal was over with so I could not raise any issue until I read my transcript

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court? Yes ☐ No ☒

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: NONE

Name and location of the court where the motion or petition was filed: NONE

Docket or case number (if you know): NONE

Date of the court's decision: NONE

Result (attach a copy of the court's opinion or order, if available): NONE

(3) Did you receive a hearing on your motion or petition?

Yes ☐ No ☒

(4) Did you appeal from the denial of your motion or petition?

Yes ☐ No ☒

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☒

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: NONE

Docket or case number (if you know): NONE

Date of the court's decision: NONE

Result (attach a copy of the court's opinion or order, if available): NONE

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue: because I did not appeal from the or

any motion or petition.

(e) Other Remedies: Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground One: NONE

GROUND TWO: Judicial Misconduct..

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

- ①. IN Supporting tainted fruits of the case trial judge admitted to bad acts of prosecutos/and witness attempt to cover up bad act by prosecutos witness. which damage was already done. See Pg. 87, 21-23, Pg. 88. 1-15.

②. Trial Judge tries to cover up bad act by theatrical impact which only leads juries on more lies. Pg. 89-21-23

(b) If you did not exhaust your state remedies on Ground Two, explain why: Because I don't know what other state remedies I could of exhausted I don't have a lawyer my lawyer that did my direct appeal is off my case & did a postconviction I don't know what else I could do.

(c) Direct Appeal of Ground Two:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☒

(2) If you did not raise this issue in your direct appeal, explain why: My lawyer at the time file my direct appeal and he raises his own issue I did not even get my transcript from him until after my direct appeal was over.

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes ☐ No ☒

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: NONE

Name and location of the court where the motion or petition was filed: NONE

Docket or case number (if you know): NONE

Date of the court's decision: NONE

Result (attach a copy of the court's opinion or order, if available): NONE

(3) Did you receive a hearing on your motion or petition?

Yes ☐ No ☒

(4) Did you appeal from the denial of your motion or petition?

Yes ☐ No ☒

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☒

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: NONE

Docket or case number (if you know): None

Date of the court's decision: None

Result (attach a copy of the court's opinion or order, if available): None

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue: Because I did not have the information back then that I have today. Without my transcript I could not raise these issues. I needed to read

out my transcript first. But my lawyer wouldn't give it to me.

(e) Other Remedies: Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Two: None

GROUND THREE: Judicial Misconduct . . .

Judge admits wrong doing.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

See Pg. 86. 21-23. Pg. 87. 1-3 damage is done to Defendant there was known for having a fair trial. See Pg. 86. 16-20. Pg. 86. 21-23. Pg. 87. 21-23 the Court Pg. 88. 1-15 Court try to cover up bad acts of prosecutors witness which taints the jury on prejudice. Pg. 89. The Court, Pg. 21-23 admits of bad acts and try to cover up by threat of impact, Pg. 90. 1-4 Court admits wrong doing.

(b) If you did not exhaust your state remedies on Ground Three, explain why: Because there is know other state remedies to exhaust that I am aware of other than direct appeal and postconviction.

(c) Direct Appeal of Ground Three:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☒

(2) If you did not raise this issue in your direct appeal, explain why: Because my lawyer at the time did my direct appeal and he put down two grounds he did not ask me if I would to raise any grounds and he did not even give me my transcript so I could raise my own grounds. until after my appeal was over with because he said he would be needing the transcript. I just receive my transcript in AUGUST way after my appeal was over with and I of to write to the court and the office of disciplinary counsel P-Pa he would send it to me.

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court? Yes ☐ No ☒

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: NONE

Name and location of the court where the motion or petition was filed: NONE

Docket or case number (if you know): NONE

Date of the court's decision: NONE

Result (attach a copy of the court's opinion or order, if available): NONE

(3) Did you receive a hearing on your motion or petition?

Yes ☐ No ☒

(4) Did you appeal from the denial of your motion or petition?

Yes ☐ No ☒

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☒

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: NONE

Docket or case number (if you know): NONE

Date of the court's decision: NONE

Result (attach a copy of the court's opinion or order, if available): NONE

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue: BECAUSE I DID NOT HAVE THIS ISSUE WITHOUT MY TRANSCRIPT AVAILABLE TO ME.

(e) Other Remedies: Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Three: NONE

1 GROUND FOUR: ineffective assistance of counsel
I was not in possession of firearm or ammunition

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

because of the fact that I did not have any knowledge of ammunition
being in the car. I left the store before Mr. Kienle was talk into buying
the Bullet by One of the Clerk Mr. Sargent. Both Mr. Sargent
and Mr. Kienle testify to that that I have know knowledge
of SHE buying the Bullet. because I was outside of the store
sitting in the car and when Mr. Kienle came out of the store
SHE put what SHE buy in the trunk without me knowing ^{ammunition was one of them}

(b) If you did not exhaust your state remedies on Ground Four, explain why: _____

Because I didnt have what I need to Raise this issue which
was I did not have my transcripts when I get my transcript
and Read it that was is what refresh my memory
on alot of these issues.

(c) Direct Appeal of Ground Four:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☒

(2) If you did not raise this issue in your direct appeal, explain why: Because my lawyer at the
time raise two issue I did not have my transcript so I could not
do much with out it

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court? Yes ☐ No ☒

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: None

Name and location of the court where the motion or petition was filed: None

Docket or case number (if you know): None

Date of the court's decision: None

Result (attach a copy of the court's opinion or order, if available): None

(3) Did you receive a hearing on your motion or petition?

Yes ☐ No ☒

(4) Did you appeal from the denial of your motion or petition?

Yes ☐ No ☒

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☒

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: NONE

Docket or case number (if you know): NONE

Date of the court's decision: NONE

Result (attach a copy of the court's opinion or order, if available): NONE

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this

issue: BECAUSE I DID NOT FILE A MOTION ON THIS ISSUE

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Four: NONE

13. Please answer these additional questions about the petition you are filing:

(a) Have all grounds for relief that you have raised in this petition been presented to the highest state court having jurisdiction? Yes ☐ No ☒

If your answer is "No," state which grounds have not been so presented and give your

reason(s) for not presenting them: Grounds One, Two, and three.

BECAUSE I DID NOT HAVE THE KNOWLEDGE OF THESE GROUNDS
THE FULL KNOWLEDGE UNTIL AFTER EVERYTHING WAS OVER
WITH. I DID FILE FOR INEFFECTIVE ASSISTANCE OF COUNSEL BUT IT WAS

(b) Is there any ground in this petition that has not been presented in some state or federal court? If so, which ground or grounds have not been presented, and state your reasons for ^{not the same} ISSUE ^{here.}

not presenting them: ONE, TWO, THREE, DID PRESENT GROUND FOUR
INEFFECTIVE ASSISTANCE OF COUNSEL BUT MY ARGUMENT WAS
DIFFERENT. WHY I DID NOT RAISE GROUNDS I DID NOT HAVE KNOWLEDGE
OF THESE GROUNDS.

14. Have you previously filed any type of petition, application, or motion in a federal court regarding the conviction that you challenge in this petition? Yes ☐ No ☒

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, the issues raised, the date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy of any court opinion or order, if available. Knew
I Did not file a motion application or petition in
a Federal Court, this is my first time filing any
petition or motion with or in the Federal Court
Concerning Conviction

15. Do you have any petition or appeal now pending (filed and not decided yet) in any court, either state or federal, for the judgment you are challenging? Yes ☐ No ☒

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised. NONE

16. Give the name and address, if you know, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing: John P. Deckers

(b) At arraignment and plea: Jennifer Kate Hansen

(c) At trial: Jennifer Kate Hansen

(d) At sentencing: Jennifer Kate Hansen

(e) On appeal: BERNARD J. O'Donnell

(f) In any post-conviction proceeding: NONE

(g) On appeal from any ruling against you in a post-conviction proceeding: NONE

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? Yes ☐ No ☒

(a) If so, give name and location of court that imposed the other sentence you will serve in the future: I have no other sentence to serve in the future - this is my only sentence.

(b) Give the date the other sentence was imposed: None

(c) Give the length of the other sentence: None

(d) Have you filed, or do you plan to file, any petition that challenges the judgment or sentence to be served in the future? Yes ☐ No ☒

18. TIMELINESS OF PETITION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2244(d) does not bar your petition.* Because after the judgment of conviction I have to wait until my direct appeal was over with. Before I could file any other motion and after my direct appeal was denied on April 17, 2006 by the Supreme Court. but I did not receive that result until April 23 from my lawyer. Then I file a postconviction and a decision was not made on the postconviction until August 7, 2006 and then it takes a few days for me to get that result

* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2244(d) provides in part that:

- (1) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of —

(continued...)

Therefore, petitioner asks that the Court grant the following relief: To dismiss this Conviction on
The fact that I was not in possession of firearm or ammunition
by a person prohibited, and prosecutors bad acts and Judge covers up
or any other relief to which petitioner may be entitled.

None

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct
and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on

September, 10-2006 (month, date, year).

9-10-06

Executed (signed) on Jason Mills 9-10-06 (date).

Jason Mills
Signature of Petitioner

*(...continued)

(A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;

(B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such state action;

(C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or

(D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

(2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.

If the person signing is not petitioner, state relationship to petitioner and explain why petitioner is not signing this petition. _____

IN FORMA PAUPERIS DECLARATION

U.S. District Court

[Insert appropriate court]

J. Caleb Boggs
Federal Building
844 N. King Street
Wilmington, Del
19801-3570

① With held or lack of Discovery

Information held back or not presented to Defendant which could have led to question states witness to show value of information witness gave in taped statement to police about drugs or possession of. See Pg. 5. 16-23, Pg. 6. 1-8, Pg. 7. Pg. 8. and use of.

② Prosecutorial Misconduct : in asking trial judge to cover bad acts by judges power of impression over jury. Pg. 86. 14-15, Pg. 86. 16-20.

③ Prosecutors allowed open statement of witness about Defendant past Criminal History. This in itself prejudice jury so defendant could not get a fair trial. See Pg. 85. 1-23 and see Pg. 86. 1-20. Pg. 9. 13-18. told by the court not to mention either in testimony or open statement.

④ Pg. 85. 1-5 Prosecutor try to intro bad act on putting testimony coherence from State witness/Codefendant, on Defendant past history. Objects from defendant lawyer mistrial. see Pg. 8. 8-23.

Alleged possession of crack cocaine on defendant but it was found in Kathleen Kienle purse.

Pg 5. Judge states - so you don't need his prior drug dealing record to establish that. Knowing that, the prosecutor still presented bad acts in front of jury (on circumstantial evidence that prejudicial effect of prior bad act, prejudice the jury.

Pg. 9. The judge instructed prosecutor not to bring up past history and to instruct witness not to mention in anyway in his testimony.
(Warning of bad act prejudice jury.)
many times.

Pg. 9. Prosecutor states for the record to judge that he already instructed the witness not to testify to the effect of defendant past history. But on Pg. 85.) States witness bring out Criminal Record side bar called by defendant lawyer. Prosecutor allowed witness to prejudice jury by statement made, after told not to.

Pg. 9) told by judge to prosecutor to tell witness not to say anything of Criminal Record. Judge Perot State Violated defendants Rights by taunting jury of fair trial. Leads to mistrial.

Continue on Page three

Prosecutorial misconduct

Pg. 85, Defendant ask for Mistrial Cause Witness spoke of Defendant Criminal Record after being told not to raise issue that prejudice the Jury, Mistrial on bad act. See. Pg. 8. 18-23, Pg. 9. 1-18-18-23. See Pg. 86. 1-20. See Pg. 86. 21. Pg. 87. 1-3.

The Court admits to the damage to Jury, see Pg. 87. 4-10 Prosecutor asking Judge to cover up damage. also see Pg. 87. 11-20 Defendant still making case of mistrial on prosecutor admittingly bad act which is tainted verdict to Jury prejudice against Defendant. Pg. 3. June, 24-05, 8-23.

Pg. 4. 1-4. Counsel ask for mistrial cause States Witness was still under oath is talking with prosecutor about whether would be past testimony or future testimony, and secondly if she did do work for the State there's further impeachment evident a mistrial. Pg. 5. 6-7-8 lack of discovery on statement of MS. Kientz with Detective Towers.

Pg. 41. Repeated lies from State witness (prejudice)

Pg. 42-43 State's witness admits to deal with State providing testimony, no charges.

Pg. 45. admits to buying drugs for uses, admits to buying Gun & ammunition.

Ineffective Assistance of Counsel

Pg. 89. 1-23 Counsel gave up the fight for defendants Rights, to Mistrial... Judge allows Court up. Prejudice of Jury on State's bad acts,

Pg. 10. 21-23, Defendant lawyers asked for motion PG. 11-1-23 that been filed previously to bifurcate or sever possession by person prohibited after instructed by Court not to do so, State witness lied in front of Jury, prejudice Jury, Grounds for Mistrial,

States witness admittedly confess to buy Gun, ~~bullet~~ Bullets, and having Crack cocaine in his possession, no prints of defendant was found on drugs Gun or Bullets,

States witness Repeatedly (lied) on Stand under oath which caused prejudice and witness testimony should of been based, Plus Grounds for Mistrial.

END of Motion

Jason Mills

Continue Page Four Old Grounds Raised on my
post Conviction I ran out of ~~the~~ Room on page 4
under Grounds.

IF ANY of the Grounds listed were not previously raised,
State briefly what Grounds were not raised, and give your
Reason(s) for not doing so; Subjective arrest when
Store owner sold Gun to Mrs. Kathleen Kientle after doing
a Back Ground check and knew she had a warrant,
then called the police to be arrested. Due process
Right. Lawyers failed to have obtain evidence suppressed.
my lawyer Refuses to Suppress.

Katie Kienle

From: Joseph Gabay [jgabay@swartzcampbell.com]
Sent: Monday, July 18, 2005 6:32 PM
To: Katie Kienle
Cc: Tara Dudlek
Subject: Re: Mills Trial

Ms. Kienle:

I am aware that you have attempted to contact Ms. Aaronson concerning Mr. Mills.

Let me suggest to you that you have a strong sense of naivete concerning the criminal justice system and your place in it.

It is best you stay out of matters. That being said you are free to speak to Ms. Aaronson if you provide me with a written waiver - an email is not sufficient.

Again, I strongly caution you against speaking to Mr. Mills' attorney.

Very truly yours,

Joseph A. Gabay

----- Original Message -----

From: Katie Kienle
To: 'Joseph Gabay'
Sent: Monday, July 18, 2005 2:21 PM
Subject: Mills Trial

Good Afternoon:

Let me preface this by saying...Please don't think I'm crazy but I would like to help Jason Mills either appeal his conviction or perhaps receive the minimum possible sentence.

I left a message this morning with Ms. Aaronson regarding this matter and she has indicated that I must communicate through you.

Something has crossed my mind that may help his case. Why was I sold the gun if I had an outstanding warrant? It took a really long time for them to do the proper check and the gentleman kept telling me they were checking the system that they use for such verification. It seems rather suspect!

Also, I had just started accelerating from being at a stop sign when I passed Officer Burke so I don't think I was speeding at all. Is it possible that a BOLO was being issued as I was waiting for the sale to be complete and perhaps the stop was somewhat questionable?

Did I ever receive a speeding ticket?

I may be reaching here and truly I'm not emotionally invested in this...only that I know from experience how dreadful prison can be and I don't want even HIM in there!!

Can you please share this correspondence with Ms. Aaronson to see if she thinks it could be helpful to his case.

Message

Please advise, thank you.

Katie Kienle

Director of Special Events

Concord Country Club

610.459.2200 ext 122

cateringsevents@concordcountryclub.com

This electronic material, any attachments hereto and the information contained herein is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure. If the reader of this message is not the intended recipient or any employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify Swartz Campbell LLC immediately at (215) 564-5190 and return the original message to us by email. Thank you.

Office of Disciplinary Counsel

SUPREME COURT OF THE STATE OF DELAWARE

Carvel State Office Building
820 North French Street, 11th Floor
Wilmington, Delaware 19801
(302) 577-7042
(302) 577-7048 (Fax)

ANDREA L. ROCANELLI
Chief Counsel

MICHAEL S. McGINNISS
MARY SUSAN MUCH
PATRICIA BARTLEY SCHWARTZ
Disciplinary Counsel

April 6, 2005

CONFIDENTIAL

Mr. Jason C. Mills (#367691)
H.R.Y.C.I.
P.O. Box 9561
Wilmington, DE 19809

Re: ODC File No. C05-3-3
(Jennifer Kate Aaronson, Esquire)

Dear Mr. Mills:

The Office of Disciplinary Counsel has received your letters, dated March 9, 2005 and March 24, 2005, complaining about Jennifer Kate Aaronson, Esquire, who is representing you in your criminal matter.

This Office cannot intervene in a criminal proceeding for any reason. More importantly, this Office does not adjudicate claims of ineffective assistance of counsel.

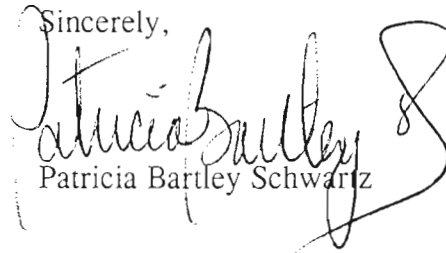
Your claim is that your attorney has failed to effectively represent you, in that she does not adequately communicate with you and has not filed certain pleadings on your behalf. You also complain that Ms. Aaronson has tried to persuade you to accept a plea. As you are aware, you do not have to plea to anything and, if a plea is presented to the court, the court will verify that you are knowingly, intelligently, and voluntarily entering the plea. Where a complaint filed with this Office relates to alleged ineffective assistance of counsel, as your complaint does, this Office sends the complaint to the criminal defense attorney for appropriate action. This Office does not conduct a disciplinary evaluation or investigation for complaints such as yours because this Office has no jurisdiction to affect your criminal matter. Pretrial and postconviction remedies are available to the criminal defendant for that purpose.

Mr. Jason C. Mills
April 6, 2005
Page Two

CONFIDENTIAL

I spoke to Ms. Aaronson on April 5, 2005 regarding your safety deposit key. She told me that pursuant to your instructions she has given the key to your friend, Shawn Beling. She indicated that she had been involved in a murder trial for over two weeks and was unable to give your matter attention until the trial ended.

By copy of this letter with your complaint to Ms. Aaronson, I am asking that she promptly evaluate your complaint and take any action she deems appropriate. **(However, I am not requesting a written response.)** Pursuant to the authority of this Office under Rule 9(a) of the Delaware Lawyers' Rules of Disciplinary Procedure, this matter is now closed.

Sincerely,

Patricia Bartley Schwartz

PBS:mmm
Enclosure

cc: Jennifer Kate Aaronson, Esquire (w/enc.)

Legal

IM TASON MILLS

SBI# 367691 UNIT 19-C-U-11

DELAWARE CORRECTIONAL CENTER

1181 PADDOCK ROAD

SMYRNA, DELAWARE 19977

To: Clerk ~~OF~~ United States District Court
J. Caleb Bogg Federal Building
844 N. King Street
Wilmington, Delaware
19801-3570

